

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

Kenneth Syncere Rivera,
formerly SCDC# 318979, aka Kenneth Rivera,

Plaintiff,

vs.

William R. Byars, Jr., *Agency Director*;
Michael Matthews, *Director of Classification*;
Ms. Ogunsile, *ICC*;
D. Filmore, *ICC*;
Larry Cartledge, *Warden*;
Ms. L. Buttrey, *Inmate Classification Coord.*,

Defendants.

) Civil Action No. 8:13-cv-00936-JMC

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ORDER

This is a civil action filed by litigant who was a state prisoner when he mailed the pleadings to the Clerk's Office. This Court on October 23, 2013, remanded the case to the United States Magistrate Judge after the Court granted Plaintiff's motion for leave to file an Amended Complaint, which added a new defendant. On October 23, 2013, the magistrate judge directed Plaintiff to bring this case in "proper form" by submitting a Form USM-285 and summons for the new defendant (Ms. L. Buttrey) added in the Amended Complaint. On the same day, the Office of the Clerk of Court mailed the magistrate judge's order, a blank summons, and blank Form USM-285 to Plaintiff's address provided with his change of address notice docketed on June 4, 2013.

This matter is before the Court because of Plaintiff's failure to comply with the magistrate judge's order of October 23, 2013. A review of the record indicates that the magistrate judge

ordered Plaintiff to submit updated Forms USM-285 and summonses within twenty-one (21) days, and that if he failed to do so, this case could be dismissed *without prejudice*. Plaintiff has failed to respond to the magistrate judge's order.

Plaintiff's lack of response to the magistrate judge's order indicates an intent to not continue prosecuting this case, and subjects this case to dismissal. See Fed. R. Civ. P. 41(b) (stating that district courts may dismiss an action if a plaintiff fails to comply with "any order of the court.>").

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.*

IT IS SO ORDERED.



United States District Judge

November 19, 2013
Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is, hereby, notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

*If Plaintiff wishes to bring this action in the future, he should obtain new civil rights forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).